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2 The following is a transcript of a telephone call between  
3 JAMES R. FISHER (also known as BILL FISHER) and RICK  
4 ROBERTSON on January 10, 2005.  
5 UNIDENTIFIABLE: UI  
6 BILL FISHER (FISHER): This is Bill Fisher. Testing,  
7 test...  
8 FISHER: This is Bill Fisher. It's, ahh, Monday  
9 the 10<sup>th</sup>, about 3:28. I'm getting ready to return Rick  
10 Robertson's call, umm, in follow-up to his e-mail proposal.  
11 (A long pause)  
12 (Phone ringing)  
13 RICK ROBERTSON (ROBERTSON): Millennium.  
14 FISHER: Rick?  
15 ROBERTSON: Speaking.  
16 FISHER: Bill Fisher.  
17 ROBERTSON: How you doing?  
18 FISHER: I'm doing alright how are you?  
19 ROBERTSON: I'm doing alright.  
20 FISHER: You sound a little under the weather.  
21 ROBERTSON: No, I'm ahh, I'm, I'm, I was, last (UI), the  
22 last week, it's over with. You know, you have that  
23 little carry over.  
24 FISHER: No problem. I got your e-mail, with, ahh,  
25 with the Plan A and B on it so, ahh, just wanted to do a

1 follow-up with you on it.

2 ROBERTSON: OK. It was here. OK, go ahead.

3 FISHER: You got 'em in front of you?

4 ROBERTSON: Let me look in my briefcase. Hold on for a  
5 second.

6 FISHER: Alright. Take your time. I'm just sitting at  
7 my desk.

8 ROBERTSON: OK, no, Bill I don't have 'em with me,  
9 with me.

10 FISHER: Well, no problem. Well, you gave me, ahh, 2  
11 choices here, Pecan A and Pecan B.

12 ROBERTSON: Right.

13 FISHER: So, ahem, you know, frankly, I'm, I'm, I'm  
14 inclined to sign one or the other so. Ahh, the  
15 question of the day is, obviously, these 2 proposals, I  
16 really did not, you know, cover in my discussion with  
17 D'Angelo. So, you know, is he approving these?

18 ROBERTSON: Yes.

19 FISHER: OK. You know, frankly, I feel obligated to  
20 sit down and talk with him one, one more time here and  
21 make sure that he's alright with this.

22 ROBERTSON: Hmmm OK well, when did, when did you last  
23 speak with him?

24 FISHER: Ahh, gosh, frankly, I haven't talked to him  
25 Since, ahh, we met at, ahh, Starbucks.

1 ROBERTSON: Oh, OK. OK.

2 FISHER: So, that's what I'm saying, you know, I'm  
3 sure we had a pretty good (UI) conversation then  
4 and, ahh, although frankly, he and I spent most of our  
5 time with Don over in the other restaurant so.

6 ROBERTSON: Right.

7 FISHER: But, again, I, I, I will do A or B at this  
8 point, but I just wanta make sure D'Angelo's OK with  
9 it.

10 ROBERTSON: OK, ahh...

11 FISHER: You wanta, you wanta give him a call and to  
12 have him call me or we can, call me to meet or  
13 something?

14 ROBERTSON: OK. No, I'll give him a call and I'm gonna  
15 have him to call you.

16 FISHER: OK.

17 ROBERTSON: OK.

18 FISHER: Is that alright with you?

19 ROBERTSON: I mean that's fine, I mean, I've already  
20 went over it with him, but, I mean, if you just, you  
21 know?

22 FISHER: Yeah, let me, let me ask you, is, is, is  
23 Jibreel still upset?

24 ROBERTSON: Well, I mean, ahh, he called you.

25 (Laughing) Didn't, didn't he call you?

1 FISHER: Actually, he didn't call me.

2 ROBERTSON: Oh, he didn't, OK.

3 FISHER: Was he gonna call me?

4 ROBERTSON: Yeah. He's gonna call you and talk to you.

5 I mean he's not, he's not, he, he's not huffing and

6 puffing, he's just. The only thing he, he was just upset,

7 he was, like I said, he just, you know, he felt like that

8 it should have been just said early on, and that, ahh, you

9 know, as far as him getting, us getting the plans and

10 us getting, you know, certain bids and stuff like that.

11 It felt like something that was a waste of time.

12 FISHER: Well, no, again, I think really, if he'll

13 think about it again, I don't wanta upset him, but when

14 he and I met that day, ahh, he couldn't handle any of

15 the technical aspects and he was gonna bring, ahh,

16 Andrea to the next meeting. I guess Tony was the one

17 you ended up, ahh, trying to use.

18 ROBERTSON: Right.

19 FISHER: Ahh, for that purpose, but he told me Andrea

20 was kinda the, you know, technical expert and that he

21 would bring her along to the next meeting. That's why

22 I asked originally whether would be the 3 of you.

23 ROBERTSON: Right, right, right.

24 FISHER: So, ahh, just, just trying to be responsive.

25 On Plan B, on, ahh, Pecan. The 3% that you came up with

1 on the total, ahh, contract cost?

2 ROBERTSON: Mm-hmmm.

3 FISHER: Ahem, is that a roll-up of, you know, again, one  
4 point we had Pecan and West Village. So is this,  
5 we're just all rolling it into the one agreement?

6 ROBERTSON: Yes.

7 FISHER: OK. So, there won't be an agreement on Dallas  
8 West Village?

9 ROBERTSON: Well, ahh, ahh, the Dallas West Village  
10 was, ahh, ahh, it was, it was, well won't be another  
11 agreement on. I mean if, if, ahh...

12 FISHER: OK. So, so you'll, so you'll do a separate  
13 Agreement on West Village?

14 ROBERTSON: Correct.

15 FISHER: OK. And to what'd you estimate the 3% to be  
16 just so I'm...

17 ROBERTSON: I think it was around about, ahh, it  
18 mighta been around 5.

19 FISHER: Five hundred OK.

20 ROBERTSON: Right.

21 FISHER: Five hundred K. Alright 'cause that's about  
22 what I would have estimated it to be, so just didn't  
23 want to, wanted to make sure I wasn't missing something  
24 here.

25 ROBERTSON: Right. This is, ahh, this is D'Angelo

1 calling me now, ahh...

2 FISHER: Oh, D'Angelo's calling you, you want me to  
3 hold on?

4 ROBERTSON: Yeah, hold on for one second.

5 FISHER: Alright.

6 (A long pause)

7 ROBERTSON: Hello.

8 FISHER: Hey, how are you?

9 ROBERTSON: OK. Go ahead.

10 FISHER: What'd ahh, what'd D say?

11 ROBERTSON: Well, I mean, it's, it's pretty much the  
12 same thing. You know he, he, he's not a part of it,  
13 so. That's, that's basically what he's, you know, he's  
14 not in it. That's what he's saying, you know what I  
15 mean?

16 FISHER: No, I just.

17 ROBERTSON: He's just saying he's not, he's not in,  
18 he's not in it and he's already, he's already, you know,  
19 as far as signed off on it and everything. He, he  
20 was, he was on the phone and he didn't wanta, he  
21 didn't wanta talk to me, ahh, you know, go into detail,  
22 but he was saying that, you know, we've already  
23 discussed it and, you know, he's not a part of it. He  
24 was talking in code, so.

25 FISHER: Well that's fine.

1 ROBERTSON: UI...

2 FISHER: Well then just, you know, again just, just  
3 when you get a chance, just call him and UI, you know, I  
4 just, I feel obligated to double back to him 'cause  
5 we're doing something different than what we talked  
6 about and I'm perfectly, ahh, comfortable doing A or B.

7 ROBERTSON: Right.

8 FISHER: Here, so I just wanta make sure that that's  
9 not, it's not a problem for him so.

10 ROBERTSON: OK. Cool; that'll work.

11 FISHER: You're telling me you guys have already  
12 talked about it?

13 ROBERTSON: Yeah, we talked about it, in fact, we, ahh,  
14 we met yesterday.

15 FISHER: OK.

16 ROBERTSON: Yeah, we met yesterday.

17 FISHER: OK.

18 ROBERTSON: At West Village.

19 FISHER: OK.

20 ROBERTSON: Yeah.

21 FISHER: Alright so there's 2 letters coming on West  
22 Village. Are you gonna e-mail those to me?

23 ROBERTSON: Yeah. Yeah we'll e-mail 'em to you. Ahh,  
24 you probably get 'em tomorrow.

25 FISHER: OK. Now, you know, I know you guys want me

1 to actively consider Plan A which is, involves  
2 contracting work right?  
3 ROBERTSON: Correct.  
4 FISHER: Are you counting on Tony's resume really to  
5 carry your capabilities here? For experience side of  
6 it?  
7 ROBERTSON: Yeah.  
8 FISHER: Can you get me a resume or something on her?  
9 ROBERTSON: OK. I'll, I'll, ahh, yeah.  
10 FISHER: You can e-mail it or fax it over.  
11 ROBERTSON: UI...I got your, I have your fax I  
12 believe...  
13 FISHER: Yeah, it's ahh...  
14 ROBERTSON: I got....  
15 FISHER: Yeah my office phone, ahh, plus, instead of 98  
16 it's 97, the fax.  
17 ROBERTSON: OK. OK.  
18 FISHER: And then when you get a chance to see  
19 D'Angelo, you're gonna talk to him and have him call me  
20 about getting together, having a quick phone call or  
21 something? Making sure we're...  
22 ROBERTSON: Yeah, I, I...  
23 FISHER: ...all, we're all still a go?  
24 ROBERTSON: Yeah, I'm, ahh, I'll probably just do a 3-way  
25 or something and get him, ahh. I'm fixin' to get ready go

1 meet him right now.

2 FISHER: That's fine, he, doesn't sound like he's  
3 much for, ahh, talking on the phone, frankly, that, I  
4 would prefer that too. I prefer not to talk on the phone  
5 too, that, that's makes me equally uncomfortable so.  
6 Maybe we can grab, all grab a quick cup of coffee, you  
7 know, be in and out in 10 minutes.

8 ROBERTSON: Right, right so I, I'll, ahh, I'm gonna go  
9 meet with him and then, and then, ahh...

10 FISHER: Yeah, I'm here all week. I'm here all week,  
11 except I'm out on Thursday. I'm in Brownsville all  
12 day Thursday.

13 ROBERTSON: Right. OK. OK. That'll work.

14 FISHER: Great.

15 ROBERTSON: OK. Bye' bye'.

16 FISHER: Bye'.

17 END OF THAT CONVERSATION

18 This is Bill Fisher, it's now 3:37 on the 10th. Just  
19 finished my call with, ahh, ahh, Rick Robertson.

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